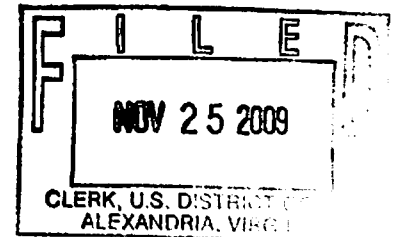


UNITED STATES DISTRICT COURT FOR THE...

EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

CLAUDE PHILLIP DIEHL, JR.

Defendant.

CRIM. NO. 1:09MJ813

AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT

I, Paul M. Holzerland, a Detective with the Leesburg Police Department and Task Force Officer with the Federal Bureau of Investigation (FBI), Washington Field Division, Washington, D.C., being duly sworn, depose and state as follows:

1. I have been employed as a Police Officer with the Leesburg Police Department since July 1998 and am currently assigned to the Child Exploitation Task Force at the Washington Field Office, Northern Virginia Resident Agency. Since joining the Leesburg Police Department, I have investigated violations of federal law concerning child pornography and the sexual exploitation of children and have received training on conducting these types of investigations. I am authorized to investigate violations of state and federal laws and have authority to execute warrants issued under the authority of the United States.

2. This Affidavit is submitted in support of a criminal complaint. The statements it contains are based on my personal observations, my experience and background as a law enforcement officer, on information provided by other law enforcement officers, interviews, and reports and documents that I have read. I have not set forth every fact learned from the investigation. Rather, I have included only that information necessary to establish probable

cause that CLAUDE PHILLIP DIEHL, JR. (DIEHL) used any facility or means of interstate or foreign commerce to knowingly attempt to persuade, induce, entice, or coerce any individual, who has not attained the age of 18 years, to engage in sexual activity in Leesburg within the Eastern District of Virginia, for which he can be charged with a criminal offense (including attempted unlawful carnal knowledge of a child between the ages of 13 and 15 years old, in violation of the Code of Virginia, Sections 18.2-63 and 18.2-26, and attempted taking indecent liberties with a child in violation of the Code of Virginia, Sections 18.2-370 and 18.2-26) all in violation of Title 18, United States Code, Section 2422(b).

PROBABLE CAUSE

3. On or about November 2, 2009, I posted an ad on Craigslist.com in the "Casual Encounters" section. The ad read:

Title: (casual encounters) Leftover halloween candy? - w4m
anyone have candy to donate to "girl" so sh'es not sad
anymore?

had a tough time saturday night.

schools closed for 2 days where we are.....

4. On or about November 2, 2009, I received a reply to the ad from DIEHL. We exchanged messages in which I explained that we were discussing him paying to have sex with a 13 year-old girl, who was purported to be my daughter.

5. Over the course of more than three weeks, we chatted via cellular telephone and via e-mail. Phone calls were conducted between DIEHL's cellular telephone and a cellphone I acquired for the purpose of this investigation. E-mail was sent to and from DIEHL's work e-mail, provided by his company in Virginia, to a Google, Inc. gmail account that I setup for this

purpose, which is located in Mountain View, California. I sent two morphed pictures purporting to be of my 13 year-old daughter, Tracy.¹

6. During the course of my communications with DIEHL, we discussed our employment status, families, and approximate geographical locations. DIEHL made numerous comments acknowledging Tracy's age and that DIEHL understood that having sex with a minor was wrong and illegal but that he was planning to do it anyway. DIEHL also stated that he had recently seen a show on television about reporters and law enforcement doing a sting on adults going to have sex with minors. He also stated that he feared coming up and getting arrested.

7. DIEHL commented that he did not have much cash and that he worked for a beer distributor and could pay in part with beer. We agreed that he would pay with \$40 in cash and five cases of beer. Approximate value of the beer being \$80-100. DIEHL stated that he would bring a Miley Cyrus CD and condoms. It was agreed that we would meet at the Hampton Inn in Leesburg, Virginia, within the Eastern District of Virginia on Tuesday morning November 24, 2009 at approximately 11:00 a.m. DIEHL requested that we talk privately over a few beers—which he would provide—prior to his meeting Tracy.

8. On or about 11:00 a.m. on November 24, 2009, DIEHL arrived at the Hampton Inn in Leesburg, Virginia. DIEHL brought a cooler of cold beer and we drank beer and chatted for approximately 45 minutes. After this, we agreed that once the money and beer were transferred to my car, I would give him the key to the room in which Tracy was purported to be and that he would have one hour alone with her for the purpose of having sex with her.

¹ The pictures were a composite of pictures of two teenage girls who consented to the use of their images.

9. At approximately 11:45 on November 24, 2009, DIEHL drove his car around to my car and loaded the first of five cases of beer into my trunk at which point I placed him under arrest. DIEHL had condoms, a dildo, and a Miley Cyrus CD with him.

10. DIEHL was processed at the Federal Bureau of Investigation office in Manassas, Virginia and then taken to the Alexandria Detention Center.

CONCLUSION

11. Based on the foregoing, there is probable cause to believe that CLAUDE PHILLIP DIEHL, JR., used any facility or means of interstate or foreign commerce to knowingly attempt to persuade, induce, entice, or coerce any individual, who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which he can be charged with a criminal offense, (including attempted unlawful carnal knowledge of a child between the ages of 13 and 15 years old, in violation of the Code of Virginia, Sections 18.2-63 and 18.2-26, and attempted taking indecent liberties with a child in violation of the Code of Virginia, Sections 18.2-370 and 18.2-26) in violation of Title 18, United States Code, Section 2422(b).

Respectfully Submitted,



Paul M. Holzerland
Detective
Leesburg Police Department

Subscribed and sworn before me this 25th day of
November 2009

/s/
John F. Anderson
United States Magistrate Judge

John Eisinger